

(emphasis in original), which finds support in the last sentence of the first paragraph of section I of MPEP 1412.03. The Examiner states on page 2 of the Office Action that it appears that patent claim 1 is narrower than patent claim 8 because claim 1 requires the inclusion of graphite particles and specific electrical conductive particles that are not required in patent claim 8. However, Applicant submits that patent claim 8 includes the limitation directed to the, "substrate comprising a first acid-soluble metal underlying a second acid-insoluble, passivating layer susceptible to oxidation in said environment," which is not found as a limitation in independent claim 1. Therefore, Applicant respectfully submits that reissue claim 1 is broader than patent claim 8 in at least one respect, and thus, broader than each and every claim of the original patent.

The preliminary amendment filed November 21, 2003, within the two year time period from the issue date of April 16, 2002, removed the language "intedacent" and "electrodessfor" from independent claim 1. Additionally, independent claim 1 was amended in this preliminary amendment to state that the mixture has a resistivity that is not greater than 50  $\Omega$ -cm. Applicant respectfully submits that these amendments do broaden claim 1, and therefore Applicant intended to broaden the scope of claim 1. In the second preliminary amendment filed October 20, 2004, Applicant argued that the original intent for making these changes to claim 1 was to broaden independent claim 1 because terms were deleted and the addition of the word "no" changed the resistivity range of the mixture.

MPEP 1412.03, section IV states, "[w]here an attempt to broaden is indicated in the reissue application within the two years from the patent grant, a broadened claim can subsequently be presented in the reissue after the two year period." Therefore, Applicant respectfully submits that because at least one aspect of independent claim 1

is broader than independent claim 8, and there was an intent to broaden independent claim 1 by changing the resistivity range of the mixture, then it is proper that claims 9-172 be entered as broadened claims after the two year period. It is therefore respectfully requested that the rejection of claims 9-172 be withdrawn, and that these claims be passed to issue with claims 1-8.

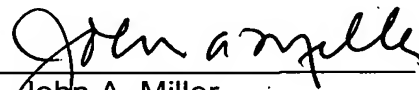
Applicant is submitting herewith a Power of Attorney to prosecute applications before the USPTO that gives the undersigned Power of Attorney for Customer Number 65798. Also enclosed herewith is a Statement under 37 CFR §3.73(b) establishing that the undersigned is authorized to act on behalf of the Assignee. Therefore, Applicant submits that the pursuant to MPEP 1410.01, Section II, the undersigned is authorized to act on behalf of the Assignee, as set forth in MPEP §324, including providing consent of Assignee for reissue purposes.

The undersigned hereby declares that the Assignee of this application, the General Motors Corporation, consents to this reissue application.

It is believed that this reissue application is in condition for allowance. If the Examiner believes that personal contact with Applicant's representative would expedite prosecution of this application, she is invited to call the undersigned at her convenience.

Respectfully submitted,

By: \_\_\_\_\_

  
John A. Miller  
Reg. No. 34985  
Phone: (248) 364-4300

General Motors Corporation  
300 Renaissance Center  
P.O. Box 300  
Detroit, MI 48265-3000  
(313) 665-4708  
Dated: 3/2/07